

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOSEPH PINGUL,

Plaintiff,

vs.

OWNIT MORTGAGE SOLUTIONS, INC.,

Defendant.

2:09-cv-00526-RCJ-LRL

**ORDER**

The Complaint in this action was filed in the Clark County District Court on February 5, 2009, and subsequently removed to the United States District Court on March 18, 2009. To date, Plaintiff has failed to serve Ownit Mortgage Solutions, Inc.

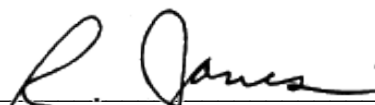
FRCP 4(m) states:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Notice of Intent to Dismiss pursuant to FRCP 4(m) was given to Plaintiff on June 23, 2009. Plaintiff was given until July 23, 2009 to respond. To date, Plaintiff has neither shown proper service, nor shown good cause for failure of service. As such,

IT IS HEREBY ORDERED that Defendant Ownit Mortgage Solutions, Inc. shall be **DISMISSED WITHOUT PREJUDICE**, and this case closed.

DATED: August 18, 2009

  
Robert C. Jones  
United States District Judge